

## **Attachment D**

### **Initial Regulatory Flexibility Analysis**

#### **A.1. Describe the compliance and/or reporting requirements imposed on small business.**

The types of compliance and reporting requirements are based on the amounts and types of hazardous waste generated, rather than on the size of the business. The rules recognize three categories of hazardous waste generators (large, small and very small quantity), and provide for reduced regulations for the smaller categories.

Under both the current and proposed rules, companies that generate very small quantities of hazardous waste (less than 220 pounds per month) are exempt from most of the hazardous waste requirements. They must comply with the management standards for the safe storage of wastes in containers and tanks. For recordkeeping requirements, very small generators are only required to submit copies of final, signed manifests for hazardous waste shipped to out-of-state treatment, storage or disposal facilities, and keep final copies of the manifests for three years if the generator uses a manifest (the use of a manifest is not required).

Companies that are considered small quantity hazardous waste generators (220 to 2200 pounds per month) must submit annual reports to the department. The reports summarize the amounts and types of waste generated and how the waste was managed. These reports are significantly reduced in scope as compared to the reporting requirements for large quantity generators.

There are fewer management standards for small generators than for large generators. The main requirements are intended to provide for the safe storage of wastes in containers and tanks, and proper recycling or disposal of waste. There are also fewer recordkeeping requirements for small generators than large generators.

#### **2. Can these compliance and/or reporting requirements be made less stringent for small business? Explain.**

As described above, the requirements, both standards and reporting requirements, already are less stringent for small generators of hazardous waste.

#### **B.1. Describe the schedules or deadlines for compliance or reporting imposed on small business.**

A reporting requirement for small generators is to submit the annual reports to the department by March 1 of each year. Small generators are also required to submit final signed copies of manifests for shipments of hazardous waste sent out of state for disposal, and keep copies of the manifests for three years.

Small generators are required to ship waste off-site for proper recycling or disposal within 180 days of generating the waste. The accumulation time limit is a federal requirement, and our rules have to be at least as stringent as the federal regulations.

#### **2. Can these schedules or deadlines be made less stringent for small business? Explain.**

If requested, the department can allow a two-week extension to the deadline for submitting annual reports. There are fewer manifesting requirements in the proposed rules than in the current hazardous waste rules, which reduces the amount of paperwork for small businesses.

The rule on accumulation time limit allows small generators to store hazardous waste on-site for up to 270 days if the waste has to be transported more than 200 miles from their site.

**C. Can the compliance or reporting requirements for small business be consolidated or simplified? Explain**

The annual report for hazardous waste has been consolidated with air quality annual reporting. The reporting requirements for small generators are significantly less than is required of large generators.

**D. Can performance standards be established for small businesses in lieu of design or operational standards? Explain**

The design and operational standards are based on the amounts of waste generated and the level of potential threat to human health and the environment. Small businesses are already regulated by state hazardous waste rules and federal regulations. To comply with legislative policy in ch. 291, Stats., and to maintain authorization to administer the federal hazardous waste program in Wisconsin, the department's rules must be at least as stringent as the federal regulations. This limits the department's ability to reduce or eliminate requirements.

**E. Can small business be exempted from any or all requirements of the rule? Explain.**

As described above, there are very reduced requirements for businesses that generate small quantities of hazardous waste. In addition, the proposed rules offer conditional exemptions from the rules for wastes that are sent for legitimate re-use or recycling.

**F. Initial Regulatory Flexibility Analysis**

**1. Describe the type of small business that will be affected by the rule.**

Small businesses that generate or transport hazardous waste will be affected by the proposed rules. The proposed rules are intended to reduce regulation in several areas, including reductions in paperwork and conditional exemptions from the rules for businesses that legitimately recycle their wastes.

Examples of the types of small businesses that could be affected by the rules are dry cleaners, automotive repair shops, printing companies that use certain solvent based inks or cleaners, and metal finishing companies, which includes electroplaters.

**2. Briefly explain the reporting, bookkeeping and other procedures required for compliance with the rule.**

Under both the current and proposed rules, companies that generate very small quantities of hazardous waste (less than 220 pounds per month) are exempt from most of the hazardous waste requirements. They must comply with the management standards for the safe storage of wastes in containers and tanks and properly recycle or dispose of wastes.

For recordkeeping, very small generators are only required to submit copies of final, signed manifests for hazardous waste shipped to out-of-state treatment, storage or disposal facilities, and keep final copies of the manifests for three years if the generator uses a manifest (the use of a manifest is not required).

Additional recordkeeping requirements for companies that are considered small quantity hazardous waste generators (220 to 2200 pounds per month) include submitting annual reports to the department. The reports summarize the amounts and types of waste generated, and how the waste was managed. These reports are significantly reduced in scope as compared to the reporting requirements for large quantity generators.

There are also fewer administrative requirements for small generators than large generators. Examples are reduced requirements for employee training, and preparedness and prevention for emergency situations.

### **3. Describe the type of professional skills necessary for compliance with the rule.**

There are no special professional skills necessary to comply with the rules. No new skills are required to comply with the rules. Familiarity with computers and access to the Internet are helpful, but not essential. The rules are available from the Revisor, in print and on the department's web page. Guidance documents on a number of related topics are available on the department's web page, and staff in the DNR regional offices are available to provide assistance and answer questions.